

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PENDLETON, :
Petitioner, :
v. : Case No. 3:02-cv-168-KRG-KAP
RAYMOND J. SOBINA, WARDEN, :
S.C.I. SOMERSET, :
Respondent :

Memorandum Order

Petitioner's third motion for relief from judgment under Fed.R.Civ.P. 60, ECF no. 38, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(b)(3) and Local Rule 72 for Magistrate Judges.

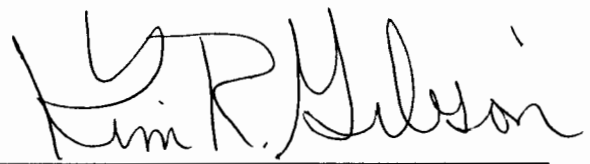
The Magistrate Judge filed a Report and Recommendation on November 15, 2018, ECF no. 39, recommending that the motion be denied. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, ECF no. docket no. 43, that are without merit.

After de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 19th day of September 2019, it is

ORDERED that the Motion for Relief from Judgment, ECF no. 38, is denied. The Report and Recommendation at ECF no. 39 is adopted as the opinion of the Court. No certificate of appealability shall issue.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with some capitalization and is positioned above a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Michael J. Pendleton DY-1646
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510